IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3070 of 2005

Between:

1 B.Janaiah E.326195 Driver, S/o.B,Babulaiah,
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
2 G.V.R.Reddy E.3044472 Driver S/o.Narayana Reddy
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
3 B.Nagulu E.326194 Driver S/o.Banavathi Chandru
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
4 M.V.Reddy E.326397 Driver S/o.M.Damodar Reddy
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
5 D.Achaiah E.305084 Driver, S/o.Lingaiah
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
6 T.H.Reddy E.300481 Driver S/o.Narsimha Reddy
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
7 I.L.Khan E.300482 Driver S/o.Mahaboob Khan
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
8 B.R.Krishna E.300545 Driver S/o.Pachubanothu
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
9 B.Ramulu E.326098 Driver S/o.Banavat Balya
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
10 C.Mallikarjuna E.97909 Driver S/o.Mallaiah
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
11 D.M.Reddy E.109140 Driver S/o.D.Ramakrishna Reddy
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.

12 P.Mattaiah E.104969 Driver S/o.Pullaiah
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
13 B.Eshwaraiah E.301987 Conductor S/o.Sattaiah
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.
14 M.Nagaiah E.306131 Driver S/o.M.Venkata Narsaiah
R/o.Miryalaguda Bus Depot, APSRTC., Miryalaguda,

Nalgonda, District.

..... PETITIONERS

AND

1 The Regional Manager, APSRTC., Nalgonda Region,

Nalgonda District.
2 The Depot Manager, APSRTC., Miryalaguda Depot,

Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus, declaring that the action of the respondents in not giving the Special Grade/Stagnation Increment to the petitioners w.e.f. their completion of 12 years of service in APSRTC in total (All regions) and counting the present Region's service of 12 years for 12 years Stagnation increment/Special Grade as bad, arbitrary, illegal, unjust and contrary to the circulars and contrary to the judgments of this Hon'ble Court, and consequently direct the respondents to effect the 12 years stagnation increment/special Grade to the petitioners on their completion of 12 years of service in the all the Regions of the Corporation and pass such other order or orders as this Hon'ble Court deem fit and proper.

Counsel for the Petitioners: MR.S.A.K.MYNODDIN

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the admission stage made the following :

ORDER:

Heard both the counsel.

Both the counsel submit that the issue involved in this Writ petition is squarely covered by the judgment of the Division Bench of this Court made in Writ Appeal No.1301of 2000 dated 29th day of October, 2002, which reads as under:

> " The submission of the learned counsel for the Corporation is not acceptable to us. The learned single Judge in the order, after perusing the circular which provides for grant of stagnation increments, has stated thus:
>
> > ……The circular says that all the employees who have completed 12 years of service in the same category are eligible for the stagnation increment. The circular does not say that stagnation increment would be awarded only to such of those employees who have completed 12 years in the same category in the same division.
>
> Correctness of the above observation of the learned single Judge is not contested by the Corporation in the grounds of appeal. Even according to the submission of the learned standing counsel for the Corporation the condition subject to which the petitioners were transferred to new divisions was only that in the transferee division they should take the bottom place in the seniority list in the category of Conductors Grade II. Therefore, simply because the petitioners went to new divisions by agreeing to forego the past service rendered in the

parent divisions in the matter of fixation of seniority in the concerned category in the transferee division, it can not be said that the petitioners have agreed to forego the past service for all practical purposes and for claiming each and every service benefit. Should it be noticed that the provision in usual course. Promotion in the usual course is an ordinary event in the service life of an employee whereas the provision for stagnation increment is a special extraordinary measure granted by the management itself to mitigate the hardship experienced by such of those employees in the same category, in the instant case, in the category of conductors grade II for a number of years. Such a benefit cannot be denied to the petitioners simply because at the time of their transfer to the new divisions they had agreed to forego their past service in the parent division in the matter of fixation of their seniority in the transferee division. Be that as it may, it is well settled that if two interpretations are possible on the same set of acts, the Court should adopt the one which is beneficial to the workman and not to the employer. The petitioners are Industrial Workmen and looking from that angle also the interpretation beneficial to the petitioners-workmen should be adopted. We do not find any substantive ground to interfere with the order of the learned single Judge. Writ appeal is devoid of merit and it is accordingly dismissed. No order as to costs."

In view of the same, the present writ petition stands disposed of in the same terms of the above judgment. No costs.

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21-02-2005

vs/usd

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To

1 The Regional Manager, APSRTC., Nalgonda Region,

Nalgonda District.
2 The Depot Manager, APSRTC., Miryalaguda Depot,

Nalgonda District.

3 2 CD copies

4 1 CC to MR.MYNODDIN

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3070 of 2005

Dated: 21-02-2005

vs